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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,905	11/25/2003	Tomoyuki Okada	114216-009	2937

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EXAMINER

BRYANT, DAVID P

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/722,905	Applicant(s) OKADA, TOMOYUKI	
	Examiner David P. Bryant	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/133,252.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11252003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

Claim 12 is objected to because of the following informalities:

This claim implies that there is a plurality of additional members, but claim 9 only recites a single additional member. It is suggested that the following be inserted after line 1:

--further comprising a plurality of additional members,--

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8:

The preamble recites "An adjusting jig" but there is absolutely no jig structure claimed. The claim appears to be directed solely to the structure of the button attaching apparatus, followed by a functional language wherein clause pertaining to the adjustability of the relative die position and the first cushion.

In lines 13 and 14, the references to the position adjustment thickness (T0) and first adjustment thickness (T1) are indefinite. The claim is unclear as to exactly how these thicknesses

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are determined. From a reading of the specification, in conjunction with Figures 3A-3C, it is clear that these thicknesses are measured relative to certain surfaces of adjusting jigs **51** and **52**. However, since no specific jig structure is set forth in the claim, any reference to these thickness measurements is indefinite.

Claim 10:

The preamble recites “An adjusting jig” but there is absolutely no jig structure claimed. The claim appears to be directed solely to the structure of the button attaching apparatus, followed by a functional language wherein clause pertaining to the adjustability of the relative die position and the first cushion.

In lines 16-18, the references to the position adjustment thickness (T0), the first adjustment thickness (T1), and the second adjustment thickness (T2) are indefinite. The claim is unclear as to exactly how these thicknesses are determined. From a reading of the specification, in conjunction with Figures 3A-3C, it is clear that these thicknesses are measured relative to certain surfaces of adjusting jigs **51** and **52**. However, since no specific jig structure is set forth in the claim, any reference to these thickness measurements is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted prior art (AAPA).

AAPA is found on pages 2-6 of the specification, and depicted in Figures 4-6 of the drawings, and is readable on the claims as follows:

Claim 8: A button attaching apparatus **10** which has: a first die **20** capable of receiving one of a pair of button components (page 2, lines 25-27) and located on a predetermined advancement-retraction axis line (page 2, lines 18-22); a second die **30** capable of receiving the other of the pair of button components (page 2, lines 25-27) and located on the advancement-retraction axis line opposing the first die (page 2, lines 18-22); a first side portion having a first holder **21** supporting the first die in an attachable and detachable manner (via set screw **214**) and in a manner movable along the advancement-retraction axis line; a second side portion having a second holder **31** supporting the second die in an attachable and detachable manner (via buried screw **311**); a drive mechanism **40** provided at least one of the first side portion or the second side portion for moving the first holder or the second holder toward and away from each other along the predetermined advancement-retraction axis line (page 2, lines 18-22); a first cushion **211** provided on the first side portion for biasing the first die toward the second die; and a first cushion adjuster **215** for adjusting the biasing force of the first cushion (page 3, lines 15-18),

wherein a position adjustment thickness (T0) required for adjusting relative position of the first holder and the second holder and a first adjustment thickness (T1) required for adjusting the biasing force of the first cushion are selectable (The relative position of the first holder and second holder and the biasing force of the first cushion are considered “selectable” to any “thickness” desired. As disclosed on page 4, lines 7-11, the relative position of the first holder

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and second holder is readily adjustable/selectable via lock nut **304** and adjusting bolt **305**. As disclosed on page 3, lines 15-18, the biasing force of the first cushion is readily adjustable/selectable via adjusting bolt **215**).

Claim 10: A button attaching apparatus **10** which has: a first die **20** capable of receiving one of a pair of button components (page 2, lines 25-27) and located on a predetermined advancement-retraction axis line (page 2, lines 18-22); a second die **30** capable of receiving the other of the pair of button components (page 2, lines 25-27) and located on the advancement-retraction axis line opposing the first die (page 2, lines 18-22); a first side portion having a first holder **21** supporting the first die in an attachable and detachable manner (via set screw **214**) and in a manner movable along the advancement-retraction axis line; a second side portion having a second holder **31** supporting the second die in an attachable and detachable manner (via buried screw **311**); a drive mechanism **40** provided at least one of the first side portion or the second side portion for moving the first holder or the second holder toward and away from each other along the predetermined advancement-retraction axis line (page 2, lines 18-22); a first cushion **211** provided on the first side portion for biasing the first die toward the second die; a first cushion adjuster **215** for adjusting the biasing force of the first cushion (page 3, lines 15-18), a second cushion **317** being stronger than the first cushion (page 4, lines 21-23) and being provided on the second side portion for biasing the second die toward the first die; and a second cushion adjuster **316** for adjusting the biasing force of the second cushion (page 4, lines 15-18),

wherein a position adjustment thickness (T_0) required for adjusting relative position of the first holder and the second holder, a first adjustment thickness (T_1) required for adjusting the biasing force of the first cushion, and a second adjustment thickness (T_2) required for adjusting

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the biasing force of the second cushion are selectable (The relative position of the first holder and second holder, the biasing force of the first cushion, and the biasing force of the second cushion are considered "selectable" to any "thickness" desired. As disclosed on page 4, lines 7-11, the relative position of the first holder and second holder is readily adjustable/selectable via lock nut **304** and adjusting bolt **305**. As disclosed on page 3, lines 15-18, the biasing force of the first cushion is readily adjustable/selectable via adjusting bolt **215**. As disclosed on page 4, lines 15-18, the biasing force of the second cushion is readily adjustable/selectable via adjusting nut **316**).

Allowable Subject Matter

Claims 9, 11, and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David P. Bryant whose telephone number is (703) 308-1859. The examiner can normally be reached on Monday-Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

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Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "David Bryant", with a stylized flourish at the end.

David P. Bryant
Primary Examiner
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dpb
6/14/04